

composition. At the very least, these claims are linked and should be treated in accordance with MPEP 809.03. Further, pursuant to MPEP 806.05(h), the burden is on the examiner to show that these claims are to distinct inventions. The Examiner has not made any showing that either the composition of Group I can be used with a materially different process than that claimed in Group II; nor has the Examiner alleged that the method of Group II could be practiced with a materially different composition than that of Group I. In the absence of a specific example that these groups of claims are directed to distinct inventions, the requirement for restriction as between Groups I and II should be withdrawn.

The restriction between Groups III, IV, and V should be withdrawn as well. Each of these groups relate to an antibody to a protein, a method of use of the antibody, and a method of detecting levels of mRNA. For the same reasons set forth with respect to Groups I and II, the restriction between Groups III, IV, and V should be withdrawn as well.

Submitted herewith is a copy of the sequence listing referenced in the specification of this application in both ASCII format and Microsoft Word format in a computer readable format in accordance with 37 CFR 1.821(c) and (e).

In the event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. 229742000700. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Respectfully submitted,

Dated: February 2, 2001

By: 

Wayne C. Jaeschke, Jr.  
Registration No. 38,503

Morrison & Foerster LLP  
2000 Pennsylvania Avenue, N.W.  
Washington, D.C. 20006-1888  
Telephone: (202) 778-1601  
Facsimile: (202) 887-0763